

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILIP J. ARCURI, et al.,

Plaintiffs,

v.

COUNTY OF MONTGOMERY, et al.,

Defendants.

CIVIL ACTION

NO. 20-5408

ORDER

AND NOW, this 6th day of May 2021, upon consideration of Plaintiff's Complaint (Doc. No. 1), Defendants' Motion to Dismiss Plaintiff's Complaint (Doc. No. 23), Plaintiff's Response to the Motion (Doc. No. 26), Defendants' Reply (Doc. No. 27), and in accordance with the Opinion of the Court issued this day, it is **ORDERED** that Defendants' Motion to Dismiss (Doc. No. 23) is **GRANTED** as follows:

1. As to Count I, Defendants Montgomery County and Montgomery County Correctional Facility are dismissed as Defendants. Only the Individual Defendants and PrimeCare Medical, Inc. remain as Defendants in Count I.
2. As to Count II, Montgomery County and Montgomery County Correctional Facility are dismissed as Defendants. No other Defendants are named in this Count.
3. As to Count III, naming only PrimeCare Medical, Inc. as a Defendant, this Count remains in this case.
4. As to Count IV, Plaintiffs have agreed to dismissal of this Count and it is Ordered **DISMISSED**.

5. As to Count V, Plaintiffs have agreed to dismissal of this Count against Defendants Montgomery County and Montgomery County Correctional Facility and it is Ordered **DISMISSED**. Further, as to Count V, the claim against Individual Defendants and PrimeCare Medical, Inc. is **DISMISSED**.
6. Plaintiff is granted leave to file a Second Amended Complaint by June 7, 2021.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.